



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JAN 11 2018

UNITED PARCEL SERVICE

Mr. Ermengol Mollins  
Chief Executive Officer  
Radarcan Corporation  
338 South Sharon Amity Road  
Charlotte, North Carolina 28211

Re: Radarcan Corporation

Notice of Warning for the Sale and Distribution of Misbranded Pesticide Devices and  
Failure to File Notice of Arrival of Pesticide and Devices Reports  
Case File No. FIFRA-04-2018-8501

Dear Mr. Mollins:

The U.S. Environmental Protection Agency has obtained evidence indicating that Radarcan Corporation appears to be in violation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). On or about November 5, 2015, an inspector from the State of Indiana conducted a marketplace inspection at Lowes Home Improvement store, located in West Lafayette, Indiana. The inspection revealed five pesticide devices, manufactured by Radarcan Corporation, that were being offered for sale. The pesticide device product labels failed to bear an EPA Registered Producer Establishment Number. As set forth in Section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(F), it is unlawful to distribute or sell any device which is misbranded according to the requirements set forth in FIFRA Section 2(q)(1), 7 U.S.C. § 136(q)(1). A device label must bear the Establishment Number assigned under Section 7.

On April 4, 2017, it was revealed, through e-mail communication, that your company was not aware of the EPA Form 3540-1 Notice of Arrival of Pesticides and Devices (NOA). Additionally, on April 4, 2017, Radarcan submitted three shipping records to the EPA showing the importation of pesticide devices via ship from Barcelona, Spain to Savannah, Georgia on May 6, 2015, and December 7, 2015, as well as the import via airliner from Barcelona, Spain to Charlotte, North Carolina on June 8, 2015. A review of our internal NOA tracking system revealed no record of Radarcan having submitted NOAs for these shipments. An NOA is a report that must be filed with the EPA in accordance with Section 12(a)(2)(N) of FIFRA. Pursuant to Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), it is unlawful for a registrant, wholesaler, dealer, retailer, or other distributor to fail to file any reports required by FIFRA.

In response to the apparent violation of FIFRA, the EPA is issuing this Notice of Warning (NOW) to Radarcan Corporation pursuant to FIFRA Section 9(c)(3), 7 U.S.C. § 136g(c)(3). The EPA has determined that a NOW is the appropriate enforcement response for the company's violation of FIFRA, provided that within 30 days of the receipt of this NOW, an authorized official of the company submits a signed statement indicating that compliance with FIFRA has been achieved and identifying the actions taken to achieve compliance with the requirements set forth above. If this statement is not submitted and/or compliance is not achieved, the EPA may initiate a more formal enforcement action which could

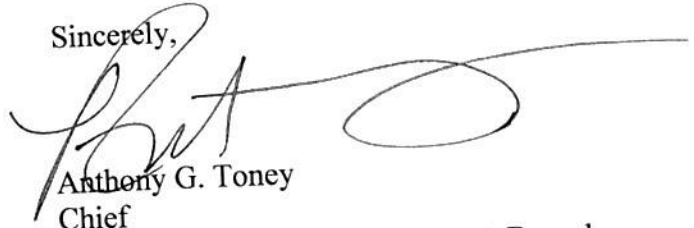
include the assessment of a civil penalty. Your statement should be submitted to:

Kanoelehua Ho  
U.S. EPA Region 4  
Pesticide Section  
61 Forsyth Street, SW  
Atlanta, Georgia 30303

Since your company may be classified as a small business, you may want to review the Information Sheet "U.S. EPA Small Business Resources," which can be found on the internet at: [www.epa.gov/compliance/resources/publications/incentives/smallbusiness/smallbusresources.pdf](http://www.epa.gov/compliance/resources/publications/incentives/smallbusiness/smallbusresources.pdf). This document will provide you with information regarding compliance and rights you may be entitled to under the Small Business Regulatory Enforcement Fairness Act.

If you have any questions about this letter, and/or would like to discuss the above-stated findings by the EPA, or would like a copy of the Information Sheet, please contact Kanoelehua Ho of the EPA Region 4 staff at (404) 562-9162.

Sincerely,



Anthony G. Toney  
Chief

Chemical Safety and Enforcement Branch

cc: Jim Burnette  
North Carolina Department of Agriculture and  
Consumer Services

David Star, EPA Region 5